

203 (4)

IN THE PUNJB AND HARYANA HIGH COURT AT CHANDIGARH

CRM-M-20936-2020

Date of decision: 13.10.2020

Gurjant Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Nandan Jindal, Advocate for petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of pre-arrest bail to petitioner, in FIR No.174 dated 21.06.2020, under Section 61 of the Punjab Excise Act, 1914 later on added Sections 420, 465, 467, 468, 471, 201 of IPC, registered at Police Station Bhawanigarh, District Sangrur.

Brief facts of the case are that on 21.06.2020 around 3.30 AM, when police party headed by ASI Gian Singh was on patrolling in search of miscreants at 'T' point Village Phaguwala, District Patiala, then an information was received that Gurbaaz Singh @ Guri and Deepak (co-accused) along with Jagjit Singh @ Bhallu, Garry and Munna used to smuggle liquor and today they are coming from Patiala side towards Bhawanigarh in Truck bearing registration no. HR-64-4464, loaded with liquor and the same would be supplied to one Karnail Singh. Informer also disclosed that above truck is escorted by Brezza Car bearing registration

No. PB-11-CS-7981, and above said Karnail Singh will receive the supply on vehicle make "Gateway" and if raid is conducted, the truck could be apprehended along with contraband. Consequently, above FIR was registered against seven accused including one un-known person (owner of Breeza Car). Police party after putting a barricade intercepted above truck leading to the recovery of 12600 bottles of country made liquor labeled as "Raseela Santra" and arrested Gulzar Singh @ Guri and Deepak (Driver and Conductor, respectively), on the spot.

Contends that the petitioner was neither named in the FIR; nor any contraband was recovered from him. Also contends that there is no role attributed to the petitioner regarding commission of any offence in this case.

On the other hand, learned State counsel has opposed the prayer and on instructions from ASI Gyan Singh, submitted that petitioner has been involved in other criminal cases also, thus he does not deserve the concession of pre-arrest bail.

Heard learned counsel for the parties and perused the paper-book.

As per prosecution case, truck bearing registration No. HR-64-4464 driven by Gurbaaz Singh @ Guri accompanied by Conductor Deepak was intercepted by the police and both of them along with contraband were arrested on the spot. Recovery of 1050 cartons, total 12600 bottles of liquor 'Raseela Santra' was effected from both the above accused. During investigation, on 24.06.2020 Ashu Thekedar (Amrish Rohilla) and Mahabir Thekedar were nominated as accused on the basis of disclosure made by co-accused and thereafter one Sanjay Kumar was also arrested on 25.06.2020. Police paper reveals that on 05.07.2020, statement of

Jaswinder Singh son of Ruldu Ram, was recorded who disclosed about the leasing of land to Ramesh Kumar @ Meshi, Sanjay Kumar and Tarsem Chand in connivance with Jagjit Sharma @ Bhallu, Sukhwinder Singh @ Garry, Rahul @ Munna for setting up a factory for producing illicit liquor on this land. Ramesh Kumar @ Meshi, Sanjay Kumar and Mahabir were nominated as accused on 05.07.2020. Accused Karnail Dass son of Amar Dass resident of Sultanpur Brahma, District Patiala was also arrested on 05.07.2020 and disclosed that liquor was being brought by him for supply to Gurjant Singh-petitioner, who came in his Brezza Car on 21.06.2020 for taking the delivery as well as to escort the Truck upto its destination. He also disclosed that truck was intercepted by police, but petitioner successfully ran away along with his Brezza Car. Thereafter, petitioner was nominated as an accused in this case on 05.07.2020 and uptill now, total 15 accused have been nominated in this case, out of whom 10 were arrested, but 5 are absconding.

It has come on record that supply of 12600 bottles of illicit liquor was to be delivered to the petitioner by co-accused Karnail Singh, thus, *prima facie* his complicity is duly established, at this stage.

Concededly, petitioner is a previous convict in two criminal cases i.e. (i) FIR No. 76 dated 22.12.2011 under Section 21 of the NDPS Act, registered at Police Station Sadar Bazar, Delhi and (ii) FIR No. 656 dated 25.10.2004 under Section 61 of Excise Act, registered at Police Station Sadar Patiala. Apart from above two convictions, petitioner is facing trial in two more criminal cases i.e. FIR No. 548 dated 20.11.2008, under Sections 307, 324, 323, 148, 149 IPC, registered at Police Station Sadar, Patiala and FIR No. 62 dated 07.07.2017 and Section 61 of Excise

Act, registered at Police Station, Ghanaur. Thus, the credentials of the petitioner are not genuine; rather it seems that he is the habitual offender.

In view of the facts and circumstances discussed hereinabove, this Court is of the considered opinion that custodial interrogation of the petitioner would be very much necessary to go to the root of the matter involving a big haul of illicit liquor

Consequently, this Court has no option except to dismiss the present petition.

Ordered accordingly.

Observations made above may not be construed as an expression of opinion on merits of the case, in any manner; rather confined to decide the present bail matter only.

13 October, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether reportable :	Yes / No